

**BOARD OF ZONING APPEALS**

**Springfield, Ohio**

**Monday, June 21, 2021**

**7:00 P.M.**

**City Hall Forum**

**Meeting Minutes**

**(Summary format)**

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Charles Harris, Mr. Mathew Ryan, Mr. Brown, and Ms. Dori Gaier.

MEMBERS ABSENT: Ms. Rhonda Zimmers, Mr. James Burkhardt, and Ms. Denise Williams

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator  
Cheyenne Shuttleworth, Community Development Specialist.

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**Case #21-A-27 Request from Fred Messaros for a conditional use permit to reestablish a salvage yard at 2101 W Jefferson St. in a M-1, General manufacturing District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to re-establish a salvage yard. The property had an active salvage yard license held by the applicant until 2015. Chapter 1171.03(c) allows for the re-establishment of a nonconforming use through the conditional use process.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if there were any further questions or if anyone else wished to speak.

Ms. Deb McLendon, 1219 Jefferson Street. Springfield, Ohio.

Ms. McLendon explained the property has a lot of debris on it. Ms. McLendon expressed she would like to know what the plans were for the property.

Mr. Thompson stated the applicant had arrived and would be able to answer the questions.

Mr. Fred Messaros, 2936 Rebert Pike. Springfield, Ohio.

Mr. Messaros explained he planned to have a scrap yard. Mr. Messaros explained there will be cars, pickup trucks tires and more but it would be coming and going. Mr. Messaros explained it would be a scrap yard for scrap metal.

Ms. McLendon asked if it would be more of a recycling center.

Mr. Messaros stated that was correct.

Ms. McLendon asked if there would be odors.

Mr. Messaros stated there would be no odors, no trash, and no garbage. Mr. Messaros explained it would be scrape metal.

Ms. McLendon asked if it would be different than what was offered from Clark County Solid Waste and if it would be open to the public. Ms. McLendon asked if people could turn metal in for cash.

Mr. Messaros stated that was correct, cash for metal, open to the public and its different that Clark County Solid Waste.

Mr. Bob Hulsizer, 1909 West Washington Street. Springfield, Ohio.

Mr. Hulsizer explained the corner had been a junk yard for 65 years and had several different owners. Mr. Hulsizer explained they were trying to clean up the neighborhood and did not feel that a salvage yard was appropriate. Mr. Hulsizer asked if the EPA or health department had to approve the property.

Mr. Thompson explained the EPA did not have to but the health department would review their license and the property.

Mr. Hulsizer pleaded with the board to turn down the salvage yard and help them keep the neighborhood clean.

Mrs. Florence Hulsizer, 1909 West Washington. Springfield, Ohio.

Mrs. Hulsizer explained the property looked awful and had a lot of debris already. Ms. Hulsizer explained she worried about the tires creating a mosquito issue. Ms. Hulsizer explained the traffic on these neighborhood streets would not work. Ms. Hulsizer explained it was rare for her to speak up against things in the neighborhood but she felt so strongly about that she went door to door and handed out flyers to each neighbor. Ms. Hulsizer explained there are mostly renters in the neighborhood and they could just move. Ms. Hulsizer and several other homeowners showed up to voice their opinions on the matter.

Mr. Thomas Evans, 1916 West Washington. Springfield, Ohio.

Mr. Evans explained he had owned his home for thirty four years. Mr. Evans explained the trailers coming and going from the property are loud and cause traffic issues. Mr. Evans expressed his frustrations about the street not being fixed. Mr. Evans explained the trailers coming and going would make the street even worse. Mr. Evans explained anything that fell over the cliff, goes into the old Indian run and upstream to the water treatment plan. Mr. Evans felt the EPA needed to do a thorough investigation. Mr. Evans explained the neighborhood had been really quiet since the scrap yard was closed down.

Mr. Messaros explained there were empty trailers parked on the lot along with a pile of tires with rims. Mr. Messaros explained the muddy lawn was not owned by him. Mr. Messaros explained they have created a property maintenance schedule for the property.

Ms. Gaier asked if the property would be ran differently than in the past.

Mr. Messaros explained it would be ran differently. Mr. Messaros explained the property had not been used as a salvage yard for ten to twelve years. Mr. Messaros explained while in operation the EPA and the health department did there inspections and they passed every time with no problem.

Mr. Evans stated he would be in favor of the scrap yard if the applicant would have a scrap two hundred feet from his front door.

Ms. McLendon explained she was the president of the neighborhood association and every person there was part of keeping the neighborhood clean. Ms. McLendon explained they did not want the salvage yard in the neighborhood and pleaded with the board to deny the case.

Mr. Ryan asked if the conditional use was granted, would there need to be a business license that would go with the salvage yard before they could start operations.

Mr. Thompson explained they would still need to get the salvage yard inspection done with various departments in the city.

Mr. Ryan asked if there would be any requirements from the city such as paving the area.

Mr. Thompson stated he did not believe they would require anything like that.

Mr. Ryan asked if the conditional use was not granted, what kind of maintenance would be required for an empty lot inside the city limits.

Mr. Thompson explained they would need to keep it mowed and free of debris. Mr. Thompson explained they could not operate any kind salvage yard. Mr. Thompson explained the property was zoned M-1 General Manufacturing District so a manufacturing business could be started on the property.

Ms. Gaier questioned if the zoning was already M-1, would the applicant need to go in front of the board for any approvals that fell inside the zoning.

Mr. Thompson explained there were several types that would not need a review.

Ms. McLendon asked if the applicant wished to acquire more land next to his property.

Mr. Messaros explained there were 3.6 acres and they were looking to acquire around 3 more acres and the gravel lane. Mr. Messaros explained they planned to have someone on the property every day. Mr. Messaros explained the property had people illegally dumping on it and they have tried to keep it clean. Mr. Messaros explained they did a street sweeper cleaning.

Ms. McLendon asked if the house next to the property was zoned residential.

Mr. Thompson stated the property was zoned M-1.

Mr. Evans applauded the efforts to clean the property. Mr. Evans explained it didn't change the fact that the trash, debris and traffic would still be there. Mr. Evans explained that he would appreciate the board turning it down.

Mr. Ernie Hustead, 215 South Shaffer Street. Springfield, Ohio.

Mr. Hustead explained the traffic on the roads would not help the neighbors, only hurt them. Mr. Hustead explained the city is working hard to repair the roads and adding daily heavy machinery, will only make it worse. Mr. Hustead expressed the neighbors that are asking the board to say no

and not moving out of the neighborhood, deserve some consideration. Mr. Hustead asked the board to ask if themselves if they would want to live next to a scrap yard. Mr. Hustead explained the neighborhood would not back down and they have nothing against the applicant or what he's trying to do, just the location. Mr. Hustead explained people in the neighborhood are trying really hard to make the west side of town really nice. Mr. Hustead explained he bought 5 dilapidated structures and tore them down just to clean it up. Adding a junk yard is completely unacceptable.

Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-27.

**MOTION:** Motion by Mr. Ryan to approve Case #21-A-27 for a conditional use permit to reestablish a salvage yard at 2101 W Jefferson St. in a M-1, General Manufacturing District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The Board of Zoning Appeals is a community board and community members were very vocal about not wanting the salvage yard in their neighborhood.
2. There is a lot of opposition.
3. The property is zoned M-1 and there is a need for business, but not the salvage yard.

**YEAS:** None.

**NAYS:** Mr. Ryan, Mr. Harris, Mr. Brown, and Ms. Gaier.

**Motion failed 4 to 0.**

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**Case #21-A-28 Request from Kettering Health for a variance from Chapter 1155 to allow for three free standing signs at 2300 N Limestone St. in a CC-2, Community Commercial District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to construct an additional monument sign. The Mixed Neighborhood sign district permits up to two monument signs. The applicant is seeking to have a total of three, one on N Limestone Street, re-facing the existing sign at the intersection of N Limestone Street and E Home Road, and one at the entrance on E Home Road.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: Yes, it is an additional sign to the already permitted two.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: Yes.*

6. Whether the property owner’s predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

### **STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or the applicants agent wished to speak.

Mr. Jared Keresoma, 2230 Sycamore Hills Drive. Dayton, Ohio.

Mr. Keresoma explained he was the VP of operations for Green Memorial Hospital. Mr. Keresoma thanked the board and explained how excited they were to be bringing business to Springfield and working with the community. Mr. Keresoma explained they wanted to ask the board for permission to get the sign approved.

Mr. Jimmy Phillips, 1886 Spindle Top Lane. Centerville, OH.

Mr. Phillips stated they were really excited to be coming to Springfield. Mr. Phillips explained the sign package is going to be one of the first to be displayed with their recent rebrand and their new logo. Mr. Phillips explained the principal use for the facility is an emergency facility but there are other primary care uses as well. Mr. Phillips explained the sign that they are wanting to use is a directional sign to get them to the appropriate location. Mr. Phillips explained it would make sure the public gets where they need to be as quickly as possible. Mr. Phillips explained it was very important to have the signage.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else the wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION:** Ms. Brown made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case



#21-A-28.

**MOTION:** Motion by Mr. Brown to approve case #21-A-28 for a variance from Chapter 1155 to allow for three free standing signs at 2300 N Limestone St. in a CC-2, Community Commercial District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The use is a great addition to the community.
2. Signage is needed.
3. There is no opposition.

**YEAS:** Mr. Ryan, Mr. Harris, Mr. Brown, and Ms. Gaier.

**NAYS:** None.

**Motion approved 4 to 0.**

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**Case #21-A-29 Request from Gregory Cook for a variance from Chapter 1150.01 and 1152.02(f) to build a garage two feet from the side property line and over 16 feet tall at 2130 Rutland Ave. in a RS-5, Low-Density, Single-Family Residence District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to construct a new garage two feet from the property line. The existing garage will be demolished. The proposed gage will be 1,512 square feet in size. It will be approximately 16 feet eight inches in overall height. The garage will allow two cars to be parked inside.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

8. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes. It can be constructed as prescribed by code.*

9. Whether the variance is substantial;

*Staff Comment: Yes. It is a 60% reduction in the required setback.*

10. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

11. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

12. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

13. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

14. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Mr. Brown asked where the two foot extension would be.

Mr. Thompson explained the setback would not change and showed on the picture where the garage would be.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Ms. Ryan made a motion to close the public hearing. Seconded by Mr. Brown.  
Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-29.

**MOTION:** Motion by Mr. Harris to approve case #21-A-29 for a variance from Chapter 1150.01 and 1152.02(f) to build a garage two feet from the side property line and over 16 feet tall at 2130 Rutland Ave. in a RS-5, Low-Density, Single-Family Residence District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It is not changing except the garage will be bigger.
3. It will be a good addition to the home.

**YEAS:** Mr. Ryan, Mr. Harris, Mr. Brown, and Ms. Gaier.

**NAYS:** None.

**Motion approved 4 to 0.**

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**Case #21-A-30 Request from Community Civil Engineers for a conditional use permit to allow for a gas station at 2206 Bechtle Ave. in a CC-2A, Shopping Center District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to construct a fuel station and convenience store on the property. The former restaurant was built in 2016, but has been vacant for some time. The plan for this area has seen several amendments and variances up to this point. Staff does not believe a gas station is the highest and best use for the parcel. This area was intended for retail and staff's opinion is that is what any future use should be.

### **ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would. A gas station would generate more traffic than the former restaurant at the intersection.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: The existing entrance off of Bechtle Avenue would need to be changed to a right in/right out only. Keeping the existing entrance as is would potentially create interference with the existing traffic pattern.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval; right in and right out needs to be switched to right in only
Building Inspections:	Recommend approval; all building comments will be addressed during the permitting process
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend denial; traffic concerns

**STAFF RECOMMENDATION:**

Denial of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Mr. Brown asked why the city recommends denial.

Mr. Thompson explained the main reason was traffic. Mr. Thompson explained the city engineering department felt it would increase traffic at that intersection.

Ms. Gaier asked if the applicant or the applicant's agent wished to speak.

Mr. Stephen Butler, 2440 Dayton- Xenia Road Suite B. Beavercreek, OH.

Mr. Butler explained they would reduce the amount of asphalt and add more green space. Mr. Butler explained he was unsure about the right in or right out. Mr. Butler stated they would be willing to work around that. Mr. Butler did not understand how a gas station was not harmonious with the surrounding uses when a gas station was less than a half mile down the street. Mr. Butler expressed a gas station would do well in serving the local community and the big box retail in the area. Mr. Butler explained it would also put use to a vacant structure.

Ms. Gaier asked if the difference between speedway and the proposed gas station traffic concerns, was it the fact there is no direct access from Bechtle Avenue.

Mr. Thompson stated he was unsure but that sounded right.

Ms. Gaier asked if the board if they had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Mr. Harris.  
Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-30.

**MOTION:** Motion by Mr. Brown to approve case #21-A-30 for a conditional use permit to allow for a gas station at 2206 Bechtle Ave. in a CC-2A, Shopping Center District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. It is an appropriate use of the property.
2. It will not cause issues with existing traffic.
3. It is a great use of property with more green space and openings.

**YEAS:** Mr. Ryan, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier.

**NAYS:** None.

**Motion approved 4 to 0.**

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**Case #21-A-31 Request from Community Civil Engineers for a conditional use permit to allow for a gas station at 908 W North St. in a CC-2, Community Commercial District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to add fuel pumps to the existing business. The property was rezoned from RS-5 to CC-2 in June 2021. The site was a fuel station in the past.

### **ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would. A gas station would generate more traffic than the existing retail only. The proximity to the residential neighborhood is not appropriate for an additional gas station.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Adding the gas station to the existing retail will add additional traffic to the existing retail use. The proximity to the residential neighborhood could lead to an increase in traffic through the neighborhood.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval; existing entrances need to be looked at when plans are submitted. Drives may need to be reconfigured or removed.
Building Inspections:	Recommend approval; all building comments will be addressed during the permit process.
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend denial; shall be detrimental to traffic flow and control.

**STAFF RECOMMENDATION:**

Denial of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Stephen Butler, 2440 Dayton- Xenia Road Suite B. Beavercreek, OH.



Mr. Butler explained four gas dispensers would be added. Mr. Butler explained there is another gas station directly next to them on the corner. Mr. Butler did not feel it would be bad for the neighborhood. Mr. Butler explained using the facilities and the fill the car would be convenient.

Ms. Gaier asked if the board if they had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Brown.  
Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-31.

**MOTION:** Motion by Mr. Ryan to approve case #21-A-31 for a conditional use permit to allow for a gas station at 908 W North St. in a CC-2, Community Commercial District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. The lot is small but had been used in the past as a gas station.
3. There will be no traffic issues. 4. Property owner had improved the property since taking ownership.

**YEAS:** Mr. Ryan, Mr. Harris, Mr. Brown, and Ms. Gaier.

**NAYS:** None.

**Motion approved 4 to 0.**

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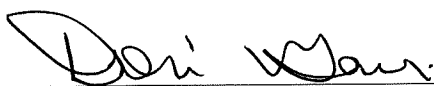
**Board Comments:** None.

**Staff Comments:** None.

**Subject:** Adjournment

Mr. Williams made a motion to adjourn the meeting. Seconded by Mr. Burkhardt.

Ms. Gaier adjourned the meeting at 8:06 p.m.



Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson